

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action mailed December 16, 2004. In the Office Action, the Specification was objected to. Moreover, claims 1-4, 10, 13-16 and 19 were rejected under 35 U.S.C. §112, first paragraph; and claims 1-4, 5-7, 10 and 13-19 were rejected under 35 U.S.C. §102(a) as being anticipated by the "Microsoft" reference. Herein, claims 1-3, 5 and 17 have been amended. Claims 10, 13-16 and 19 have been cancelled without prejudice. Applicants reserve the right to reintroduce and prosecute these claims during the current or subsequent prosecution.

#### ***Specification***

The Specification was objected based on the addition of "smart card compatible" and "smart card incompatible" terminology. Applicants respectfully disagree because the addition terms do not add new matter, but rather merely categorize listed CA protocol types. However, in order to facilitate prosecution, the terminology has been removed and additional terminology has been added to the specification to identify NRSS-A type protocols as a "first" CA protocol and NRSS-B type protocols as a "second" CA protocol. This material does not constitute new matter; rather, it merely renames various families of CA protocols. Acceptance of these changes is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 112***

Claims 1-4, 10, 13-16 and 19 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description and enablement requirements. Applicants respectfully traverse the rejection. However, to facilitate prosecution, Applicant has revised claims 1-3 and 17, and has cancelled claims 10, 13-16 and 19.

Based on the following amendments, Applicants respectfully request that the outstanding §112 rejection be withdrawn.

#### ***Rejection Under 35 U.S.C. § 103***

Claims 5-7 were rejected under 35 U.S.C. §102(a) as being anticipated by the "Microsoft" reference. Applicants respectfully traverse the rejection because each and every limitation is not set forth in these claims. As the Examiner is aware "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in the single prior art reference." *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d, 1051, 1053 (Fed. Cir. 1987).

For instance, with respect to claim 5, Applicants respectfully submit that lines 3-4 of the "Software Development" section (page 3 of Microsoft reference) do not disclose a wrapper software interfacing the smart card signals and the PCMCIA API. In fact, this section merely describes the smart card interfacing with Windows-based applications, not with software that is used to interface *with* the PCMCIA API. *Emphasis added*. Moreover, the a smart card receptacle is considered by the Examiner to be equivalent to drivers, which are not adapted for physically coupling to a smart card as now claimed.

Hence, Applicants respectfully request the Examiner to reconsider and withdraw the §102(a) rejection.

***Rejection Under 35 U.S.C. § 103***

Claims 1-4, 10 and 13-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over the “Microsoft” reference in view of Cheng (U.S. Patent No. 6,040,851). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143; see also In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Herein, at a minimum, the combined teachings of the cited references do not describe or suggest all the claim limitations set forth in newly amended claims 1, 5 and 17 since the combined teachings of the “Microsoft” reference and Cheng appear to represent the teachings set forth in Prior Art FIG. 1 of the subject application, which substantially differs from the invention as now claimed.

Applicants respectfully request the Examiner to reconsider and withdraw the §103(a) rejection based on the amendments set forth above. In order to facilitate prosecution of the subject application, the undersigned attorney invites the Examiner to contact him to discuss the patentability of the pending claims. The undersigned attorney can be reached at the phone number listed below.

**Conclusion**

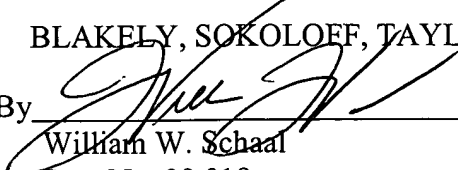
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 3/16/05

By

  
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